

# Exhibit 9

**From:** Salomao Nascimento, Isabella (Minn)  
**Sent:** Monday, April 25, 2022 2:33 PM  
**To:** Debra L. Bursik; 'April Barker (abarker@sbe-law.com)'; George Burnett; 'Michael Griesbach'  
**Cc:** Walker, Leita (Minn); Parsons, Emmy (DC); Kelley, Matthew E. (DC); Friedman, James; 'Kevin Vick'; 'Meghan Fenzel'; 'Jean-Paul Jassy'  
**Subject:** RE: Reply Brief In Support of Netflix's Motion to Compel

Debra,

Thank you for your email. The April 22 email from April that you reference addressed only emails produced by Plaintiff on March 11; similarly, the email providing the March 11 production of Mr. Colborn's emails stated it was providing a designation for all email messages "in the production." We have not received any purported confidentiality designations for subsequent productions by Plaintiff. If it is your position that documents produced after the March 11 production are to be treated as "confidential," then please specify which document(s) and/or production(s) you believe are confidential.

Finally, as we have previously discussed, the parties' ESI protocol makes clear that any document that a party intends to designate as "confidential" should be stamped as such when produced. As Plaintiff's supplemental productions continue to grow, it becomes increasingly difficult for us to track which production(s) Plaintiff believes should be treated as confidential. Should Plaintiff produce any additional documents, we expect that Plaintiff will, prior to production, stamp the documents in accordance with the protocol. This is important both so that we may avoid confusion regarding the status of any asserted confidentiality or privilege designations, and so that we may more fully and expediently consider, and if necessary challenge, the asserted designations.

Thank you,

**Isabella Salomão Nascimento**  
**she/her/hers**  
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**From:** Debra L. Bursik <debrab@lcojlaw.com>  
**Sent:** Monday, April 25, 2022 12:57 PM  
**To:** Salomao Nascimento, Isabella (Minn) <salomaonascimento@ballardspahr.com>; 'April Barker (abarker@sbe-law.com)' <abarker@sbe-law.com>; George Burnett <GB@lcojlaw.com>; 'Michael Griesbach' <attymgriesbach@gmail.com>  
**Cc:** Walker, Leita (Minn) <WalkerL@ballardspahr.com>; Parsons, Emmy (DC) <parsonse@ballardspahr.com>; Kelley, Matthew E. (DC) <KelleyM@ballardspahr.com>; Friedman, James <JFriedman@gklaw.com>; 'Kevin Vick' <kvick@jassylvick.com>; 'Meghan Fenzel' <mfenzel@jassylvick.com>; 'Jean-Paul Jassy' <jpjassy@jassylvick.com>  
**Subject:** RE: Reply Brief In Support of Netflix's Motion to Compel

**⚠ EXTERNAL**

Per April's email to all sent on Friday, April 22, 2022 at 3:46 PM responding to Leita's questions, we have designated all emails in the Colborn email production as CONFIDENTIAL. **Please do not file them publicly.**

Debra L. Bursik, M.A.

Licensed Private Detective

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**\*IMPORTANT CONFIDENTIAL NOTICE\***

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**From:** Salomao Nascimento, Isabella <[salomaonascimento@ballardspahr.com](mailto:salomaonascimento@ballardspahr.com)>

**Sent:** Monday, April 25, 2022 12:30 PM

**To:** 'April Barker' ([abarker@sbe-law.com](mailto:abarker@sbe-law.com))' <[abarker@sbe-law.com](mailto:abarker@sbe-law.com)>; George Burnett <[GB@lcojlaw.com](mailto:GB@lcojlaw.com)>; 'Michael Griesbach' <[attymgriesbach@gmail.com](mailto:attymgriesbach@gmail.com)>; Debra L. Bursik <[debrab@lcojlaw.com](mailto:debrab@lcojlaw.com)>

**Cc:** Walker, Leita <[WalkerL@ballardspahr.com](mailto:WalkerL@ballardspahr.com)>; Parsons, Emmy <[parsonse@ballardspahr.com](mailto:parsonse@ballardspahr.com)>; Kelley, Matthew E. <[KelleyM@ballardspahr.com](mailto:KelleyM@ballardspahr.com)>; Friedman, James <[JFriedman@gklaw.com](mailto:JFriedman@gklaw.com)>; 'Kevin Vick' <[kvick@jassylvick.com](mailto:kvick@jassylvick.com)>; 'Meghan Fenzel' <[mfenzel@jassylvick.com](mailto:mfenzel@jassylvick.com)>; 'Jean-Paul Jassy' <[jpjassy@jassylvick.com](mailto:jpjassy@jassylvick.com)>

**Subject:** Reply Brief In Support of Netflix's Motion to Compel

Counsel,

We will be filing our reply to Netflix's motion to compel by close of business today. We are planning to include as exhibits the attached documents which you produced on April 14. These documents were produced without any confidentiality designations branded on the documents or asserted in the cover email. As a courtesy, we write to inform you that we therefore intend to file our reply and the exhibits publicly. If you disagree with this course, please notify us promptly. This will then require that we file a motion to seal, in which we will make clear to the Court that we object to the sealing of the documents and believe that the motion should be denied and all records be made publicly available.

Thank you,

**Isabella Salomão Nascimento**

she/her/hers

**Ballard Spahr**  
LLP

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